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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,966	08/26/2003	Shigeru Hiroki	B588-552 (25815.564)	7073
26272 7590 11/18/2009 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER				
KHAN, USMAN A				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
11/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/649,966

Applicant(s)

HIROKI, SHIGERU

Examiner

USMAN KHAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's argument filed on 08/07/2009 with respect to claims 1 – 3, 5 – 8, and 12 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

2. Applicant has amended claims 1, 12 and canceled claims 9 – 10 and 13 – 14 to overcome the 35 U.S.C. 112, second paragraph rejection provided in the previous office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 - 2, 5 - 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enright et al. (US patent No. 6,583,813) in view of Morris (US PgPub NO. 2003/0200268).

Regarding **claim 1**, Enright et al. teaches an image sensing apparatus comprising:

a setting unit adapted to set a plurality of sensing conditions information for an image sensing (figure 22, set up sequences; also figures 62 – 72, trigger/event type);

a sensing unit adapted to sense an image in accordance with at least one of the plurality of sensing conditions set by said setting unit (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type);

a creating unit adapted to create an electronic mail on which text data for indicating at least one of the plurality of sensing conditions when the image is sensed by said sensing unit are added (figure 26, 27, 40, 41 and column 14 lines 48 *et seq.* column 36, column 19 lines 51 *et seq.*, lines 32 *et seq.*; e-mail); and

a transmitting means unit adapted to transmit the electronic mail created by said creating unit (figure 26, 27, 40, 41 and column 14 lines 48 *et seq.* column 36, column 19 lines 51 *et seq.*, lines 32 *et seq.*; e-mail).

However, Enright et al. fails to teach a creating unit adapted to create an electronic mail on which text data for indicating a link address for accessing the image sensed by said sensing unit are added. Morris, on the other hand teaches a creating unit adapted to create an electronic mail on which text data for indicating a link address for accessing the image sensed by said sensing unit are added.

More specifically, Morris teaches a creating unit adapted to create an electronic mail on which text data for indicating a link address for accessing the image sensed by said sensing unit are added (abstract and paragraphs: 0010 – 0011, 0021, 0026 - 0028, 0045 – 0048).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Morris with the teachings of Enright et al. because Morris teaches in column 0019 that the invention will make the e-

mail application easier to use. Also, the invention of Morris will reduce bandwidth and time requirements hence improving e-mail application performance.

Regarding **claim 2**, as mentioned above in the discussion of claim 1, Enright et al. in view of Morris teach all of the limitations of the parent claim. Additionally, Enright et al. discloses wherein said transmitting unit transmits the electronic mail having information indicating at least one of the plurality of sensing conditions added to a message portion (figures 62 - 72; trigger/event type).

Regarding **claim 5**, as mentioned above in the discussion of claim 1, Enright et al. in view of Morris teach all of the limitations of the parent claim. Additionally, Enright et al. discloses wherein the plurality of sensing conditions set by said setting unit includes any one of a specific time (figure 72), a predetermined elapsed time (figure 56 and paragraph column 34 lines 19 *et seq.*), sensor detection by an external sensor (figures 62 - 72; trigger/event type), detection of a sound level higher than a predetermined level (column 39 lines 16 *et seq.*; sound detection from microphone detecting stress levels of the sound), and operation of a sensing button (column 40 lines 27 - 39; panic button).

Regarding **claim 6**, as mentioned above in the discussion of claim 1, Enright et al. in view of Morris teach all of the limitations of the parent claim. Additionally, Morris et al. discloses the link address is an address for accessing the image data which has

been sensed by said sensing unit and has been stored in an external memory (abstract and paragraphs: 0010 – 0011, 0021, 0026 - 0028, 0045 – 0048).

Regarding **claim 7**, as mentioned above in the discussion of claim 1, Enright et al. in view of Morris teach all of the limitations of the parent claim. Additionally, Enright et al. discloses wherein said creating unit creates the electronic mail having time information indicating a time at which the image was sensed by said sensing unit (figures 62 - 72; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72).

Regarding **claim 8**, as mentioned above in the discussion of claim 1, Enright et al. in view of Morris teach all of the limitations of the parent claim. Additionally, Morris et al. discloses a transferring unit adapted to transfer the image sensed by said sensing unit to a server connected to a network (figure 1 item 20), wherein the link address is an address for accessing the image which has been sensed by said sensing unit and has been transferred by said transferring unit to the server (abstract and paragraphs: 0010 – 0011, 0021, 0026 - 0028, 0045 – 0048).

Regarding **claim 12**, Enright et al. teaches a control method for an image sensing apparatus comprising:

a storing step of storing a plurality of sensing conditions information for an image sensing (figure 22, set up sequences; also figures 62 – 72, trigger/event type);

a sensing step of sensing an image in accordance with at least one of the plurality of sensing conditions stored at the storing step (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type);

a creating step of creating an electronic mail on which text data for indicating at least one of the plurality of sensing conditions when the image is sensed at the sensing step are added (figure 26, 27, 40, 41 and column 14 lines 48 *et seq.* column 36, column 19 lines 51 *et seq.*, lines 32 *et seq.*; e-mail); and

a transmitting step of transmitting the electronic mail created at the creating step; the converted text data as a part of electronic mail text message when the image was sensed at the sensing step (figure 26, 27, 40, 41 and column 14 lines 48 *et seq.* column 36, column 19 lines 51 *et seq.*, lines 32 *et seq.*; e-mail).

However, Enright et al. fails to teach a creating step of creating an electronic mail on which text data for indicating a link address for accessing the image sensed at the sensing step are added. Morris, on the other hand teaches a creating step of creating an electronic mail on which text data for indicating a link address for accessing the image sensed at the sensing step are added.

More specifically, Morris teaches a creating step of creating an electronic mail on which text data for indicating a link address for accessing the image sensed at the sensing step are added (abstract and paragraphs: 0010 – 0011, 0021, 0026 - 0028, 0045 – 0048).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Morris with the teachings of Enright et al. because Morris teaches in column 0019 that the invention will make the e-mail application easier to use. Also, the invention of Morris will reduce bandwidth and time requirements hence improving e-mail application performance.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enright et al. (US patent No. 6,583,813) in view of Morris (US PgPub NO. 2003/0200268) and in further view of SAKURAI (JP 2002165195).

Regarding **claim 3**, as mentioned above in the discussion of claim 1, Enright et al. in view of Morris teach all of the limitations of the parent claim.

However, Enright et al. in view of Morris fail to teach wherein said transmitting unit transmits the electronic mail having information indicating at least one of the plurality of sensing conditions added to a subject field. SAKURAI, on the other hand teaches wherein said transmitting unit transmits the electronic mail having information indicating at least one of the plurality of sensing conditions added to a subject field.

More specifically, SAKURAI teaches wherein said transmitting unit transmits the electronic mail having information indicating at least one of the plurality of sensing conditions added to a subject field (paragraphs 0033 – 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of SAKURAI with the teachings of Enright et al. in view of Morris because in column 0034 SAKURAI teaches

that the contents of the e-mail are understood at a glance without actually viewing the image, and the image can be arrayed in a short time.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
6. a shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Fri 6:45-3:15.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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